

DETAILED ACTION

1. Claims 3, 6, 7, 16, 21, 22, 29, 32, 38, 39, 41, 47, and 54-97 are all the pending claims for this application.
2. Claims 14, 15, 34, 36, 37, 43-46 and 48-53 were cancelled, Claims 3, 6, 16, 29, and 32 were amended and new Claims 54-97 were added in the Response of 12/24/09.
3. Withdrawn Claims 19, 20 and 24-27 are cancelled by Examiner's Amendment as set forth below.
4. Claims 3, 6, 7, 16, 21, 22, 29, 32, 38, 39, 41, 47, and 54-97 are all the pending claims under examination.

Information Disclosure Statement

5. The IDS' of 12/29/09 and 1/26/10 have been considered and entered. The initialed and signed 1449 forms are attached.

Withdrawal of Objections

Claim Objections

6. The objection to Claims 3, 6, 7, 15, 16, 21, 22, 29, 32, 37-39, 41 and 47 for failing to identify the antigen molecule for the antibody is withdrawn.

In the Response of 12/24/09, Applicants have amended the preamble of Claims 3, 6 and 29 to recite "an anti-glypican 3 antibody", and the preamble of Claim 26 to recite "an epitope of glypican 3" in line 1.

Withdrawal of Rejections

Double Patenting

7. The provisional rejection of Claims 14 and 15 (and 34, 36 and 37) on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9 and 23-29 of copending Application No. 10/526,741 ("741"; US 20060167232; filed 9/4/02; cited in the IDS of 12/10/07) further in view of Wichert et al. (Oncogene 2004 Jan 29;23(4):945-55) is moot for the cancelled claims.

Applicants have cancelled Claims 14, 15, 34, 36, and 37 in the Response of 12/24/09.

Claim Rejections - 35 USC § 112, first paragraph

Written Description

8. The rejection of Claim 34 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement because Claim 34 in depending from Claim 14 is interpreted as being drawn a monoclonal antibody that binds to a peptide without identifying the peptide is moot for the cancelled claim.

Claim Rejections - 35 USC § 103

9. The rejection of Claims 14, 15, 34, 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over Lage et al. (Virchows Arch 2001 438:567-573, cited in the IDS of 12/10/07) in view of Steplewski et al. (Proc. Natl. Acad. Sci. USA, 1988 85: 4852-4856) is moot for the cancelled claims.

EXAMINER'S AMENDMENT

10. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan McQuade on 3/2/10.

The application has been amended as follows:

Claims 19, 20 and 24-27 are cancelled.

Examiner's Statement of Reasons for Allowance

11. The following is an examiner's statement of reasons for allowance:

The anti-GPC3 antibody, GC33, and the sequences thereof; the GC33 variants comprising GC33VH ver. a, GC33VH ver. c, GC33VH ver. f, GC33VH ver. h, GC33VH ver. I, GC33 ver. j, or GC33VHver. k and GC33VL ver. a; and the GC33(L) variants shown in Table 1 (p. 6, Col. 2 of the PGPub 20070190599) are free from prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Claims 3, 6, 7, 16, 21, 22, 29, 32, 38, 39, 41, 47, and 54-97 are allowed.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYNN BRISTOL whose telephone number is (571)272-6883. The examiner can normally be reached on 8:00-4:30, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lynn A. Bristol/
Primary Examiner, Art Unit 1643